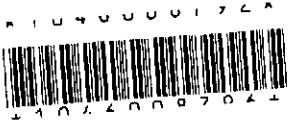


CJ-2020-475
TracyIN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMAFILED IN DISTRICT COURT
OKLAHOMA COUNTY

JAN 27 2020

RICK WARREN
COURT CLERK

48

CJ-2020-475

Case No. CJ-2020-

TACESIA THOMAS, as Parent and Next Friend of "TR",)
a minor child,)

Plaintiff,)

v.)

INDEPENDENT SCHOOL DISTRICT NO. I-81 OF)
OKLAHOMA COUNTY, STATE OF OKLAHOMA, a/k/a)
EDWARDS ELEMENTARY SCHOOL;)
JANE DOE, a/k/a Ms. WILLIAMS, individually, and)
as the Teacher of EDWARDS ELEMENTARY SCHOOL)
of the OKLAHOMA CITY PUBLIC SCHOOL DISTRICT,)

Defendants.)

PETITION

COMES NOW the Plaintiff, above-named, and by and through her attorney of record, E.

Ed Bonzie, and for her cause action Defendants pleads the following:

1. At all times relevant to the facts alleged in this Petition, Plaintiff is a citizen and resident of Oklahoma City, in Oklahoma County, Oklahoma, and the minor was required to attend school pursuant to Oklahoma Statutes, 70 O.S. §10-105, or face criminal sanctions.

2. The Defendant, Independent School District of Oklahoma City No. I-81 of Oklahoma County, is part of the Oklahoma City Public School system and therefore a governmental subdivision. Defendant Oklahoma City Public School District receives federal financial funding and is subject to the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.

3. Upon information and belief, Defendant Jane Doe, a/k/a Ms. Williams (“Williams”) is a citizen and resident of Oklahoma City, in Oklahoma County, Oklahoma. Defendant Williams, acting in the scope of her employment, was the teacher assigned to the class at Edward Elementary School in Oklahoma City where Plaintiff’s minor child “TR” attends school.

4. Each of the Plaintiff’s claims alleged herein occurred in the Oklahoma City, Oklahoma County, Oklahoma, and the amount in controversy exceeds \$75,000.00 exclusive of interest, costs and attorney fees.

5. At all times relevant herein, the Defendants were acting under the color of state law and violated statutory or constitutional rights of the Plaintiffs. This action is for violation of the Fourth, Ninth and Fourteenth Amendments to the United States Constitution. This action and the relief sought are authorized by 42 U.S.C. § 1983.

6. A special relationship arose between Defendants and the students entrusted to the school’s care, including the Plaintiff’s minor, “TR”.

7. Upon information and belief, on or about April 11, 2019, Plaintiff’s minor Child is a patient of hyperactive disorder and uses stick figures to calm him down. TR attended school at Edwards Elementary School in Oklahoma School, Oklahoma. Defendant Williams was a Teacher at Edwards Elementary School at the time.

8. On April 11, 2019, TR was sitting at his desk with a set of stick figures in his hands when Defendant Williams told TR to clear his desk. TR obeyed Defendant William’s orders but apparently did in a manner that angered Williams. Consequently, Williams began yelling at TR causing TR to stand up to leave the classroom and report the incident to the Principal.

9. Subsequently, the Williams attempted to physical restrain TR and a physical struggle ensued causing Williams to push down TR on to the floor. TR struck his head on the floor. TR continued to leave the classroom, but Williams pursued TR and struck him in the eye with her elbow. Williams finally pushed TR into the hallway where TR struck the back of his head on the floor.

10. As a result, TR sustained physical injuries, psychological damages and emotional Distress causing him to be admitted into the psychiatric hospital receiving inpatient care.

11. Upon information and belief, School officials, teachers and other students were witnesses to the incident and were already aware of TR's complaints.

12. The effects of the aforementioned actions by the Oklahoma City School District created a hostile educational environment which was sufficiently severe, pervasive and objectively offensive such that it undermined and detracted from the minor child's educational experience, and resulted in the minor child being denied the benefits of and participation in the Defendant School's resources and opportunities.

13. The aforementioned conduct by Williams was in violation of Plaintiff's child's constitutionally protected rights to bodily integrity and to be free from intrusions while attending a publicly mandated course of education, done while Williams was acting under color of law and in circumstances where she exploited her teacher/student relationship and her adult status to coerce, force and intimidate TR.

14. The aforementioned conduct by Williams was done within the scope of her employment and within the course of her performance of her official responsibilities as a Teacher in the Oklahoma City Public School District, under the color of laws, statutes, ordinances, regulations, practices, customs and usage of the state of Oklahoma and Oklahoma

City Public School District and utilized the respect and authority granted to her by state and local law.

15. The aforementioned assault and battery took place in a context and environment which was within the Defendant School District's control and dominion.

16. Defendants had actual and/or constructive knowledge and notice of the acts of the Defendant Williams.

FIRST CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGE

Plaintiffs incorporate herein by reference all of the allegations heretofore made, and further state as follows:

17. The aforesaid alleged conduct of the Teacher, Williams, was intentional knowing, willful and purposeful and was outrageous beyond all bounds of human decency which a civilized society should tolerate, and Williams knew or should have known that her said conduct would inflict severe emotional distress upon Plaintiff's minor child. Plaintiff's minor child has suffered severe physical, mental and emotional distress, including pain and suffering, and other damages as a result of the aforesaid alleged acts and conduct of the Teacher. Even if intentional, the conduct of Defendant Williams was fairly and naturally incident to the business of Defendant Independent School District of Oklahoma City, and while she was engaged in the teaching performance of Defendant Oklahoma City School District's business and with a view to further Defendant School District's business or from some impulse or emotion which naturally grew out of or was incident to the attempt to perform Defendant School District's business. Therefore, the actions and/or conduct of the Defendant William, occurred within the scope and course of her employment with Oklahoma School District.

WHEREFORE, Plaintiff respectfully requests that after trial, that they be awarded actual and punitive damages, attorney's fees, costs and interest, and all other damages allowed by law in an amount in excess of \$75,000.00.

SECOND CAUSE OF ACTION

Violation of 42 U.S.C. §1983-EQUAL PROTECTION

Plaintiff incorporates herein by reference all of the allegations heretofore made, and further state as follows:

18. At all times relevant to this case, Williams the Teacher at Edwards Elementary School was acting under color of the laws of Oklahoma in a manner which deprived Plaintiffs' minor of her constitutional rights to equal protection. Such actions are in violation of Plaintiff's minor child's Fourteenth Amendment rights which were clearly established at the time of the actions in question.

19. On or about April 11, 2019, Plaintiff's minor child while at school was physically assaulted by Ms Williams, a teacher who pushed TR down onto the floor causing TR to strike his head on the ground causing the minor to sustain severe injuries.

20. That the conduct of Defendant Williams was fairly and naturally incident to the business of Defendant Oklahoma City Independent School District of Oklahoma County, Oklahoma, and occurred while she was engaged in the principle performance of Defendant, the District's business with a view to further Defendant School District's business or from some impulse or emotion which naturally grew out of or was incident to the attempt to perform the School District's business. Therefore, the actions and/or conduct of the Defendant, Williams occurred within the course and scope of her employment with Defendant District.

21. That before April 11, 2019, Defendant School District developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of

students of the school, as a result of which Plaintiff's minor was deprived of his constitutional rights under the equal protection clause. As a public institution of Oklahoma, Defendant maintained a policy or custom of failing to provide equal protection for students.

22. Plaintiff alleges the abuse of her child by Defendant was motivated by her intent to assault and intimidate, deny and deprive the minor of his rights under the equal protection clause of the United States Constitution, said intent being in violation of the Equal Protection Clause of the constitution, as amended.

23. Defendant acted deliberately indifferent to the rights of Plaintiff's minor child. The failure to immediately secure and protect Plaintiff's minor child, demonstrated a callous disregard for the welfare of TR and deliberate indifference to the rights and medical needs of TR. Therefore, the Defendants are liable for the actions taken in violation of such rights in accordance with 42 U.S.C. sec. 1983.

24. As a direct and proximate result of Defendant's conduct the Plaintiff suffered physical harm and mental distress and other damages.

25. Defendant's actions deprived Plaintiff's minor child of his civil rights under the United States Constitution and the laws and provisions of the Oklahoma Constitution. Defendant's unlawful acts, misdeeds and omissions caused the following injuries and damages to Plaintiff's minor child: personal injuries; pain and suffering; severe mental anguish; emotional distress; inadequate medical care; humiliation, indignities and embarrassment.

26. All of the alleged acts, misdeeds and omissions committed by the Defendant as described herein for which liability is claimed were unlawful, and such proscribed conduct of the Defendants meets all of the standards for imposition of compensatory damages and punitive damages.

THIRD CAUSE OF ACTION

ASSAULT AND BATTERY-AGAINST WILLIAMS

Plaintiff incorporates herein by reference all the allegations made heretofore made, and further state as follows:

27. Defendant Williams assaulted and battered the Plaintiff's minor, who at the time was 10 years old thereby inflicting mental and emotional pain on the minor and causing him damages.

28. As a direct and proximate result of Defendant Williams' aforesaid acts and conduct and the injuries resulting therefrom, Plaintiff's minor sustained physical injury and mental anguish, pain and suffering.

FOURTH CAUSE OF ACTION

Negligence

29. That on or about the 11TH day of April, 2019, Plaintiff's minor child was at school at Edwards Elementary School for the purpose of attending School, when Defendant Williams who is a teacher at the school, negligently or intentionally assaulted Plaintiff's minor, by pushing him down on to the floor causing the minor to suffer injuries to his head.

30. Even if intentional, the conduct of Defendant Williams was fairly and naturally incident to the business of Defendant Independent School District of Oklahoma City, and while she was engaged in the principal performance of Defendant Oklahoma City School District's business and with a view to further Defendant School District's business or from some impulse or emotion which naturally grew out of or was incident to the attempt to perform Defendant School District's business. Therefore, the actions and/or conduct of the Defendant Williams occurred within the scope and course of her employment with Oklahoma City School District.

31. Defendant Independent School District of Oklahoma City negligently failed

to provide, hire, train, supervise and/or retain Defendant Williams and as a result of this failure, Plaintiffs' minor was assaulted by Williams.

32. At all times material hereto, the Defendant School District and William had the responsibility to provide services and supervise the services provided to the children at the School. The Defendant School District however, failed and/or neglected to provide such services in accord with appropriate practices. The Defendant School District further failed and/or neglected to provide such services in accord with applicable common law and state and federal regulations.

33. As a result of Defendants' gross negligence and/or willful and wanton and intentional conduct, Plaintiff's minor suffered damages, including, but not limited to, medical expenses, physical injuries, pain and suffering, mental anguish, as well as extreme emotional distress and has been damaged in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

34. The conduct of Defendant Williams was negligent or intentional, malicious extreme and outrageous, went beyond all possible bounds of decency, and demonstrated a reckless disregard for the rights of others, including Plaintiffs, and such conduct warrants the imposition of punitive damages in an amount in excess of \$75,000.00.

35. That the conduct of Defendant Oklahoma City School District was grossly negligent and/or willful and wanton and intentional failure to provide, hire, supervise, and/or retain staff capable of providing Plaintiff's child with a protective environment, demonstrated a reckless disregard for the rights of others, including Plaintiff and such conduct warrants the imposition of punitive or exemplary damages in an amount in excess of \$75,000.00.

36. That as a result of the Defendants' actions, Plaintiffs and Plaintiff TR, as a minor child, have suffered physical, mental and emotional distress, aggravation, all of which should be valued in excess of \$75,000.00.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays this Court grant judgment in an amount in excess of \$75,000.00 for compensatory damages, including emotional distress, mental anguish and humiliation; costs and expenses, including reasonable attorney's fees, as provided by law; punitive damages, as provided for by applicable law; and for such other legal or equitable relief this Honorable Court deems just and proper. That the Court award to them and against Defendants pre-judgment and post-judgment interest on all sums awarded to them in this action and that it further award to them recovery of their costs concerning this action, including reasonable attorneys' fees pursuant to 42 U.S.C. sec. 1983.

Respectfully submitted,



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